

HOUSE BILL No. 1280

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-13.6-2-13; IC 5-16-1-9; IC 5-22-15-26; IC 21-34-3-8; IC 36-1-12.

Synopsis: Energy efficient buildings. Requires a building or structure constructed, reconstructed, repaired, altered, or retrofitted under certain public works contracts entered into after December 31, 2008, to be certified to meet at least the silver rating under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system or an equivalent rating system. Provides that the certification requirement does not apply to a public works contract entered into by a school corporation. Provides that for state agency purchases, there is a 5% price preference for certain office equipment that is compliant with the United States Environmental Protection Agency Energy Star ratings. Allows the Indiana economic development corporation to adopt rules allowing the corporation to give priority to economic development projects that meet or surpass the standards of the leadership in energy and environmental design ratings systems developed by the U.S. Green Building Council or the Green Building Initiative.

Effective: July 1, 2008.

Pierce

January 15, 2008, read first time and referred to Committee on Environmental Affairs.

C
o
p
y



Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1280

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-13.6-2-13 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: **Sec. 13. (a) This section applies to a public works contract**
4 **that satisfies all the following requirements:**

5 (1) **The contract is entered into under this article after**
6 **December 31, 2008.**

7 (2) **The total value of the project subject to the contract is at**
8 **least one million dollars (\$1,000,000).**

9 (3) **The contract is for the construction, reconstruction,**
10 **repair, alteration, or retrofitting of a public building or**
11 **structure.**

12 (4) **The contract is not for the construction, reconstruction,**
13 **repair, alteration, or retrofitting of a public building or**
14 **structure that is listed on the National Register of Historic**
15 **Places.**

16 (5) **The contract is not for the construction, reconstruction,**
17 **repair, alteration, or retrofitting of a public building or**

C
o
p
y



structure that is designed solely to store commodities or other property such as a highway salt barn.

(b) A public works contract described in subsection (a) for the construction of a public building or structure must require that the public building or structure constructed under the public works contract is certified to meet at least:

(1) the silver rating under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system; or

(2) an equivalent rating under an equivalent rating system that is accredited by the American National Standards Institute.

(c) A public works contract described in subsection (a) for the reconstruction, repair, alteration, or retrofitting of a public building or structure must require that the reconstruction, repair, alteration, or retrofitting is certified to meet at least:

(1) the standards for existing buildings under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system; or

(2) an equivalent standard under an equivalent rating system that is accredited by the American National Standards Institute.

SECTION 2. IC 5-16-1-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. (a) This section applies to a public works contract that satisfies all the following requirements:

(1) The contract is entered into under this article after December 31, 2008.

(2) The total value of the project subject to the contract is at least one million dollars (\$1,000,000).

(3) The contract is for the construction, reconstruction, repair, alteration, or retrofitting of a public building or structure.

(4) The contract is not for the construction, reconstruction, repair, alteration, or retrofitting of a public building or structure that is listed on the National Register of Historic Places.

(5) The contract is not for the construction, reconstruction, repair, alteration, or retrofitting of a public building or structure that is designed solely to store commodities or other property such as a highway salt barn.

(b) A public works contract described in subsection (a) for the

C
o
p
y



1 construction of a public building or structure must require that the
 2 public building or structure constructed under the public works
 3 contract meets at least:

4 (1) the silver rating under the United States Green Building
 5 Council's Leadership in Energy and Environmental Design
 6 (LEED) rating system; or

7 (2) an equivalent rating under an equivalent rating system
 8 that is accredited by the American National Standards
 9 Institute.

10 (c) A public works contract described in subsection (a) for the
 11 reconstruction, repair, alteration, or retrofitting of a public
 12 building or structure must require that the reconstruction, repair,
 13 alteration, or retrofitting meets at least:

14 (1) the standards for existing buildings under the United
 15 States Green Building Council's Leadership in Energy and
 16 Environmental Design (LEED) rating system; or

17 (2) an equivalent standard under an equivalent rating system
 18 that is accredited by the American National Standards
 19 Institute.

20 SECTION 3. IC 5-22-15-26 IS ADDED TO THE INDIANA CODE
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2008]: Sec. 26. (a) This section applies only to a contract
 23 awarded by a state agency or a purchase made by a state agency.

24 (b) There is a price preference of five percent (5%) for any
 25 electronic office equipment, including computers, monitors,
 26 printers, scanners, fax machines, and copiers, that are compliant
 27 with the United States Environmental Protection Agency Energy
 28 Star ratings.

29 SECTION 4. IC 21-34-3-8 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2008]: Sec. 8. (a) This section applies to a contract for a building
 32 facility that satisfies all the following requirements:

33 (1) The contract is entered into under this article after
 34 December 31, 2008.

35 (2) The total value of the project subject to the contract is at
 36 least one million dollars (\$1,000,000).

37 (3) The contract is for the construction, reconstruction,
 38 repair, alteration, or retrofitting of a university owned
 39 building or structure.

40 (4) The contract is not for the construction, reconstruction,
 41 repair, alteration, or retrofitting of a university owned
 42 building or structure that is listed on the National Register of

C
o
p
y



Historic Places.

(5) The contract is not for the construction, reconstruction, repair, alteration, or retrofitting of a university owned building or structure that is designed solely to store commodities or other property such as a highway salt barn.

(b) A contract described in subsection (a) for the construction of a university owned building or structure must require that the building or structure constructed under the contract meets at least:

(1) the silver rating under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system; or

(2) an equivalent rating under an equivalent rating system that is accredited by the American National Standards Institute.

(c) A contract described in subsection (a) for the reconstruction, repair, alteration, or retrofitting of a university owned building or structure must require that the reconstruction, repair, alteration, or retrofitting meets at least:

(1) the standards for existing buildings under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system; or

(2) an equivalent standard under an equivalent rating system that is accredited by the American National Standards Institute.

SECTION 5. IC 36-1-12-1, AS AMENDED BY P.L.168-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Except as provided in this section **and section 22(a) of this chapter**, this chapter applies to all public work performed or contracted for by:

(1) political subdivisions; and

(2) their agencies;

regardless of whether it is performed on property owned or leased by the political subdivision or agency.

(b) This chapter does not apply to an officer or agent who, on behalf of a municipal utility, maintains, extends, and installs services of the utility if the necessary work is done by the employees of the utility.

(c) This chapter does not apply to hospitals organized or operated under IC 16-22-1 through IC 16-22-5 or IC 16-23-1, unless the public work is financed in whole or in part with cumulative building fund revenue.

(d) This chapter does not apply to tax exempt Indiana nonprofit corporations leasing and operating a city market owned by a political

**C
o
p
y**



1 subdivision.

2 (e) As an alternative to this chapter, the governing body of a school
3 corporation may participate in a utility efficiency program or may enter
4 into a guaranteed savings contract as permitted under IC 36-1-12.5.

5 (f) This chapter does not apply to a person that has entered into an
6 operating agreement with a political subdivision or an agency of a
7 political subdivision under IC 5-23.

8 SECTION 6. IC 36-1-12-22 IS ADDED TO THE INDIANA CODE
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
10 1, 2008]: **Sec. 22. (a) This section does not apply to a school
11 corporation.**

12 **(b) Except as provided in subsection (a), this section applies to
13 a public works contract that satisfies all the following
14 requirements:**

15 **(1) The contract is entered into under this article after
16 December 31, 2008.**

17 **(2) The total value of the project subject to the contract is at
18 least one million dollars (\$1,000,000).**

19 **(3) The contract is for the construction, reconstruction,
20 repair, alteration, or retrofitting of a public building or
21 structure.**

22 **(4) The contract is not for the construction, reconstruction,
23 repair, alteration, or retrofitting of a public building or
24 structure that is listed on the National Register of Historic
25 Places.**

26 **(5) The contract is not for the construction, reconstruction,
27 repair, alteration, or retrofitting of a public building or
28 structure that is designed solely to store commodities or other
29 property such as a highway salt barn.**

30 **(c) A public works contract described in subsection (b) for the
31 construction of a public building or structure must require that the
32 public building or structure constructed under the public works
33 contract is certified to meet at least:**

34 **(1) the silver rating under the United States Green Building
35 Council's Leadership in Energy and Environmental Design
36 (LEED) rating system; or**

37 **(2) an equivalent rating under an equivalent rating system
38 that is accredited by the American National Standards
39 Institute.**

40 **(d) A public works contract described in subsection (b) for the
41 reconstruction, repair, alteration, or retrofitting of a public
42 building or structure must require that the reconstruction, repair,**

**C
o
p
y**



alteration, or retrofitting is certified to meet at least:

(1) the standards for existing buildings under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system; or

(2) an equivalent rating under an equivalent rating system that is accredited by the American National Standards Institute.

SECTION 7. [EFFECTIVE JULY 1, 2008] (a) The Indiana economic development corporation may adopt rules granting priority to economic development projects that include buildings that meet or surpass the standards of the leadership in energy and environmental design ratings systems developed by the U.S. Green Building Council or the Green Building Initiative.

(b) This SECTION expires January 1, 2011.

C
o
p
y

